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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/562,894	12/29/2005	Stefan Marcus Verbrugh	NL 030678	6922

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P.O. BOX 3001
BRIARCLIFF MANOR, NY 10510

EXAMINER

LOVELL, LEAH S

ART UNIT	PAPER NUMBER
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2885

SHORTENED STATUTORY PERIOD OF RESPONSE	MAIL DATE	DELIVERY MODE
3 MONTHS	03/21/2007	PAPER

Please find below and/or attached an Office communication concerning this application or proceeding.

If NO period for reply is specified above, the maximum statutory period will apply and will expire 6 MONTHS from the mailing date of this communication.

Office Action Summary	Application No. 10/562,894	Applicant(s) VERBRUGH ET AL.	
	Examiner Leah S. Lovell	Art Unit 2885	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 27 December 2006.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-20 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1,3-10,13,14,16 and 18-20 is/are rejected.
- 7) ☒ Claim(s) 2,11,12,15 and 17 is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☒ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 29 December 2005 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☒ All b) ☐ Some * c) ☐ None of:
1. ☒ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|---|
| 1) <input type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 5) <input type="checkbox"/> Notice of Informal Patent Application |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08)
Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

Response to Arguments

1. Applicant's arguments, see page 13, the second full paragraph, filed 27 December 2006, with respect to the rejection(s) of claim(s) 1 under 102(b) have been fully considered and are persuasive. Therefore, the rejection has been withdrawn. However, upon further consideration, a new ground(s) of rejection is made in view of Bucher et al. (US 6,471,379). See below for reasons and explanation of the new rejection.

Specification

2. The disclosure is objected to because of the following informalities: in accordance with both MPEP § 608.019(a) and 37 CFR 1.77(c), headings are required to separate each section within the disclosure—which has been laid out below. For easy reference, 37 CFR 1.77(c) states:

The text of the specification sections defined in paragraphs (b)(1) through (b)(12) of this section, if applicable, should be preceded by a section heading in uppercase and without underlining or bold type,

wherein (b)(1) through (b)(12) correspond to a through l below.

The following guidelines illustrate the preferred layout for the specification of a utility application. These guidelines are suggested for the applicant's use.

Arrangement of the Specification

As provided in 37 CFR 1.77(b), the specification of a utility application should include the following sections in order. Each of the lettered items should appear in upper case, without underlining or bold type, as a section heading. If no text follows the section heading, the phrase "Not Applicable" should follow the section heading:

- (a) TITLE OF THE INVENTION.
- (b) CROSS-REFERENCE TO RELATED APPLICATIONS.

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- (c) STATEMENT REGARDING FEDERALLY SPONSORED RESEARCH OR DEVELOPMENT.
- (d) THE NAMES OF THE PARTIES TO A JOINT RESEARCH AGREEMENT.
- (e) INCORPORATION-BY-REFERENCE OF MATERIAL SUBMITTED ON A COMPACT DISC.
- (f) BACKGROUND OF THE INVENTION.
 - (1) Field of the Invention.
 - (2) Description of Related Art including information disclosed under 37 CFR 1.97 and 1.98.
- (g) BRIEF SUMMARY OF THE INVENTION.
- (h) BRIEF DESCRIPTION OF THE SEVERAL VIEWS OF THE DRAWING(S).
- (i) DETAILED DESCRIPTION OF THE INVENTION.
- (j) CLAIM OR CLAIMS (commencing on a separate sheet).
- (k) ABSTRACT OF THE DISCLOSURE (commencing on a separate sheet).
- (l) SEQUENCE LISTING (See MPEP § 2424 and 37 CFR 1.821-1.825. A "Sequence Listing" is required on paper if the application discloses a nucleotide or amino acid sequence as defined in 37 CFR 1.821(a) and if the required "Sequence Listing" is not submitted as an electronic document on compact disc).

3. Appropriate correction is required.

Claim Rejections - 35 USC § 102

4. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

5. Claims 1, 3-8, 10, 16, and 18 are rejected under 35 U.S.C. 102(e) as being anticipated by Bucher et al. (US 6,471,379).

In regard to claim 1, Bucher discloses a vehicle fitted with at least one tail light and a rear license plate to be illuminated, comprising:

an optical wave guide [310];

a light source [above 322, figure 7; column 5, line 18] for emitting a light beam to the optical waveguide which is disposed adjacent the light source [figure 7];

said optical waveguide having an input surface [322] facing towards the light source for inputting at least part of the light beam from the light source [figure 7], and at least one output surface [figure 7 shows ends opposite to 322 having light beams exit from the waveguide] for outputting a light beam portion that is being passed through the optical waveguide to the license plate and/or the at least one tail light; and

at least one of a mirror and a lens [reflective elements 340, 342, 346] configured to direct the light beam portion that is being passed through the optical waveguide to the license plate and/or the at least one tail light [figure 7].

Regarding claim 3, Bucher discloses a part of the optical waveguide being disposed in front of the license plate [abstract, which states that the light is directed onto the license plate inherently indicating that the waveguide is in front of the license plate].

In regard to claim 4, Bucher discloses the part of the optical waveguide that is disposed in front of the license plate being transparent [column 3, lines 26-27].

Regarding claim 5, Bucher discloses the part of the optical waveguide [322] that is disposed in front of the license plate comprising the at least one of the mirror [340] and the lens for directing the light beam that is being output from the output surface towards the license plate [figure 7].

In regard to claim 6, Bucher discloses part of the optical waveguide is arranged near an edge of the license plate [figure 7].

Regarding claim 7, Bucher discloses the part of the optical waveguide [322] that is disposed near the edge of the license plate particularly comprising the at least one of the mirror [340] and the lens for directing the light beam that is being output from the output surface towards the license plate [figure 7].

In regard to claim 8, Bucher discloses said vehicle comprising at least two taillights [vehicles inherently have two tail lights].

Regarding claim 10, Bucher discloses an optical waveguide for use in a vehicle according to claim 1 [abstract].

Regarding claim 16, Bucher discloses an optical waveguide included in a vehicle fitted with at least one tail light and a rear license plate to be illuminated, the optical waveguide comprising:

- an input surface [322] facing a light source [figure 7], the input surface being configured to receive part of a light beam from the light source [figure 7]; and

- at least one of a mirror [340] and a lens configured for directing the part of the light beam that is being passed through the optical waveguide

to a license plate and/or the at least one tail light of the vehicle through at least one output surface of the optical waveguide [figure 7].

In regard to claim 18, Bucher discloses the optical waveguide comprises a first portion which overlaps a second portion at an overlapping section for coupling the light from the first portion to the second portion via the overlapping section [see figure A below].

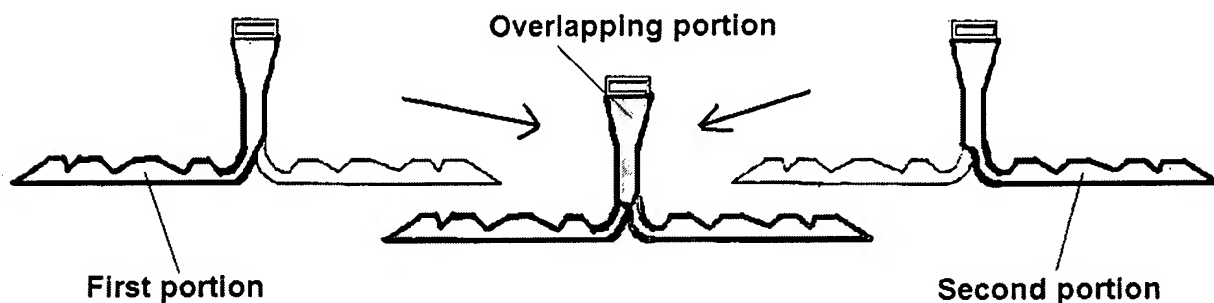


FIGURE A: Optical waveguide from Figure 7 of Bucher indicating a first and second portions and the region defined as the overlapping portion.

Claim Rejections - 35 USC § 103

6. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

7. Claims 9, 13, 14, 19, and 20 are rejected under 35 U.S.C. 103(a) as being unpatentable over Bucher et al. (US 6,471,379).

Regarding claim 9, Bucher does not disclose that the light source is a light emitting diode. However, it would have been obvious to one of ordinary skill in the art at

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the time of the invention to use a light emitting diode as the light source. One would have been motivated to do so because it is well known in the art that LEDs are an inexpensive, long-lasting, low-power-consuming light source.

In regard to claims 13, 14, 19 and 20, regarding the optical waveguide of Bucher not having a first portion having one end that forms an opening to receive a second portion of the optical waveguide, the applicant is advised that it has been held by the courts that the mere fact that a given structure is integral does not preclude its consisting of various elements, and that constructing a formerly integral structure in various portions involves only routine skill in the art. *Nerwin v. Erlichman*, 168 USPQ 177, 178. In this case, it would have been obvious to one having ordinary skill in the art to have individual first and second portions. One would be motivated to do so because having first and second portions would provide easier packaging limiting the possibility that damage to the optical waveguide would occur during transit before installation.

Allowable Subject Matter

8. Claims 2, 11, 12, 15 and 17 are objected to as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims. Regarding these claims, prior art fails to disclose or render obvious a combination such that the arrangement of an optical waveguide having an input and output surface as well as mirrors or lenses to direct light beams and a light source positioned at the input surface of the waveguide in a tail light configuration.


Conclusion

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Leah S. Lovell whose telephone number is (571) 272-2719. The examiner can normally be reached on Monday through Friday 7:45 a.m. until 4:15 p.m.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Jong-Suk (James) Lee can be reached on (571) 272-7044. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

Leah Lovell
Examiner
16 March 2007


ALAN CARIASO
PRIMARY EXAMINER